## **HOUSE BILL 1032**

D4 8lr2112 HB 508/17 – JUD CF SB 684

By: Delegates Dumais and McComas

Introduced and read first time: February 7, 2018

Assigned to: Judiciary

## A BILL ENTITLED

## 1 AN ACT concerning

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## Child Custody - Legal Decision Making and Parenting Time

3 FOR the purpose of repealing references to the terms "child custody" and "visitation" in certain instances and substituting the terms "legal decision making" and "parenting 4 5 time" in certain instances; requiring the court, in determining the appropriate 6 allocation of legal decision making or parenting time between the parties, to consider 7 certain factors; authorizing the court to consider certain factors; requiring the court 8 to articulate certain findings of fact on the record; authorizing the court to award 9 joint legal decision making to both parties under certain circumstances; prohibiting a party from unilaterally making certain decisions concerning a child without 10 agreement of the other party or order of the court under certain circumstances; 11 12 authorizing the court to modify a child custody or visitation order or a legal decision 13 making or parenting time order under certain circumstances; specifying that a party's proposal to relocate the residence of the party or the child in a certain manner 14 constitutes a material change in circumstances for purposes of a modification of an 15 16 order; specifying the purposes of this Act; repealing certain provisions relating to the relevancy of a disability of a party in a child custody or visitation proceeding; making 17 18 certain clarifying and conforming changes; defining certain terms; and generally 19 relating to child custody, visitation, legal decision making, and parenting time.

20 BY repealing

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Article – Family Law

Section 5–203(d) and 9–107

23 Annotated Code of Maryland

24 (2012 Replacement Volume and 2017 Supplement)

25 BY adding to

Article – Family Law

Section 9–101 and 9–103 to be under the amended subtitle "Subtitle 1. Definitions; General Provisions" and the amended title "Title 9. Custodial Arrangements for Children"; and 9–201 through 9–204 to be under the new subtitle "Subtitle

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 2 **HOUSE BILL 1032** 2. Legal Decision Making and Parental Responsibility - Judicial 1 2 Determinations" 3 Annotated Code of Maryland 4 (2012 Replacement Volume and 2017 Supplement) BY repealing and reenacting, with amendments, 5 Article – Family Law 6 7 Section 9–101, 9–101.1, 9–101.2, 9–103, 9–104, 9–105, 9–106, and 9–108 Annotated Code of Maryland 8 9 (2012 Replacement Volume and 2017 Supplement) 10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 11 That the Laws of Maryland read as follows: 12 Article - Family Law 13 5-203. 14 If the parents live apart, a court may award custody of a minor child to 15 either parent or joint custody to both parents. 16 (2) Neither parent is presumed to have any right to custody that is superior 17 to the right of the other parent. Title 9. [Child Custody and Visitation] CUSTODIAL ARRANGEMENTS FOR CHILDREN. 18 Subtitle 1. [In General] **DEFINITIONS**; **GENERAL PROVISIONS**. 19 9-101. 20 21(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS 22 INDICATED. "CHILD" MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS. 23(B) "DISABILITY" MEANS A PHYSICAL OR MENTAL IMPAIRMENT THAT 24(C) 25 SUBSTANTIALLY LIMITS ONE OR MORE OF THE MAJOR LIFE ACTIVITIES OF AN 26 INDIVIDUAL, A RECORD OF THAT IMPAIRMENT, OR BEING REGARDED AS HAVING THAT IMPAIRMENT, CONSISTENT WITH THE FEDERAL AMERICANS WITH 27 DISABILITIES ACT AMENDMENTS ACT OF 2008, 42 U.S.C. § 12102. 28 "LEGAL DECISION MAKING" MEANS THE RIGHT AND OBLIGATION **(D) (1)**
- 29 30 TO MAKE DECISIONS INVOLVING HEALTH, EDUCATION, RELIGION AND CULTURE, 31 MEDICAL CARE, AND OTHER MATTERS OF MAJOR SIGNIFICANCE CONCERNING THE 32 CHILD'S LIFE AND WELFARE.